

## NOT VOTING—9

Carter	Green, Gene	Honda
Eshoo	Hinchey	Sanchez, Loretta
Feeney	Hinojosa	Stupak

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

## □ 1432

So the motion to recommit with instruction was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 161, not voting 11, as follows:

[Roll No. 31]

## YEAS—261

Aderholt	Cunningham	Hulshof
Akin	Davis (AL)	Hunter
Alexander	Davis (FL)	Hyde
Bachus	Davis (KY)	Inglis (SC)
Baker	Davis (TN)	Issa
Barrett (SC)	Davis, Jo Ann	Istook
Barrow	Davis, Tom	Jenkins
Barton (TX)	Deal (GA)	Jindal
Bass	DeFazio	Johnson (CT)
Bean	DeLay	Johnson (IL)
Beauprez	Dent	Johnson, Sam
Berry	Doolittle	Jones (NC)
Biggert	Drake	Kanjorski
Bilirakis	Dreier	Keller
Bishop (GA)	Duncan	Kelly
Bishop (UT)	Edwards	Kennedy (MN)
Blackburn	Ehlers	King (IA)
Blunt	Emerson	King (NY)
Boehlert	English (PA)	Kingston
Boehner	Everett	Kirk
Bonilla	Fitzpatrick (PA)	Kline
Bonner	Flake	Knollenberg
Bono	Foley	Kolbe
Boozman	Forbes	Kuhl (NY)
Boren	Ford	LaHood
Boucher	Fortenberry	Latham
Boustany	Fossella	LaTourrette
Boyd	Fox	Leach
Bradley (NH)	Franks (AZ)	Lewis (CA)
Brady (TX)	Frelinghuysen	Lewis (KY)
Brown (SC)	Galleghy	Linder
Brown-Waite,	Garrett (NJ)	Lipinski
Ginny	Gerlach	LoBiondo
Burgess	Gibbons	Lucas
Burton (IN)	Gilchrest	Lungren, Daniel
Butterfield	Gillmor	E.
Buyer	Gingrey	Mack
Calvert	Gohmert	Manzullo
Camp	Goode	Marchant
Cannon	Goodlatte	Marshall
Cantor	Gordon	Matheson
Capito	Granger	McCaul (TX)
Cardoza	Graves	McCotter
Case	Green (WI)	McCrery
Castle	Gutknecht	McHenry
Chabot	Hall	McHugh
Chandler	Harris	McIntyre
Chocola	Hart	McKeon
Coble	Hastings (WA)	McMorris
Cole (OK)	Hayes	McNulty
Conaway	Hayworth	Melancon
Cooper	Hefley	Mica
Costa	Hensarling	Miller (FL)
Costello	Herger	Miller (MI)
Cox	Herse	Miller, Gary
Cramer	Hobson	Moran (KS)
Crenshaw	Hoekstra	Murphy
Cubin	Holden	Musgrave
Cuellar	Hooley	Myrick
Culberson	Hostettler	Neugebauer

Ney	Reynolds
Northup	Rogers (AL)
Norwood	Rogers (KY)
Nunes	Rogers (MI)
Nussle	Rohrabacher
Osborne	Ross
Otter	Royce
Oxley	Ryan (OH)
Pearce	Ryan (WI)
Pence	Ryun (KS)
Peterson (MN)	Salazar
Peterson (PA)	Saxton
Petri	Schwarz (MI)
Pickering	Scott (GA)
Pitts	Sensenbrenner
Platts	Sessions
Poe	Shadegg
Porter	Shaw
Portman	Shays
Price (GA)	Sherwood
Pryce (OH)	Shimkus
Putnam	Shuster
Radanovich	Simmons
Ramstad	Simpson
Regula	Skeltan
Rehberg	Smith (TX)
Reichert	Sodrel
Renzi	Souder

## NAYS—161

Abercrombie	Inslee	Pastor
Ackerman	Israel	Paul
Allen	Jackson (IL)	Payne
Andrews	Jackson-Lee	Pelosi
Baca	(TX)	Pombo
Baird	Jefferson	Pomeroy
Baldwin	Johnson, E. B.	Price (NC)
Becerra	Jones (OH)	Rahall
Berkley	Kaptur	Rangel
Berman	Kennedy (RI)	Reyes
Bishop (NY)	Kildee	Ros-Lehtinen
Blumenauer	Kilpatrick (MI)	Rothman
Boswell	Kind	Roybal-Allard
Brady (PA)	Kucinich	Ruppersberger
Brown (OH)	Langevin	Rush
Brown, Corrine	Lantos	Sabo
Capps	Larsen (WA)	Sánchez, Linda
Capuano	Larson (CT)	T.
Cardin	Lee	Sanders
Carnahan	Levin	Schakowsky
Carson	Lewis (GA)	Schiff
Clay	Lofgren, Zoe	Schwartz (PA)
Cleaver	Lowey	Scott (VA)
Clyburn	Lynch	Serrano
Conyers	Maloney	Sherman
Crowley	Markley	Slaughter
Cummings	McCarthy	Smith (NJ)
Davis (CA)	McCollum (MN)	Smith (WA)
Davis (IL)	McDermott	Snyder
DeGette	McGovern	Solis
DeLaunt	McKinney	Spratt
DeLauro	Meehan	Stark
Diaz-Balart, L.	Meek (FL)	Tauscher
Diaz-Balart, M.	Meeks (NY)	Thompson (CA)
Dicks	Menendez	Thompson (MS)
Dingell	Michaud	Tierney
Doggett	Millender-	Towns
Doyle	McDonald	Udall (CO)
Emanuel	Miller (NC)	Udall (NM)
Engel	Miller, George	Van Hollen
Etheridge	Mollohan	Velázquez
Evans	Moore (KS)	Visclosky
Farr	Moore (WI)	Wasserman
Fattah	Moran (VA)	Schultz
Filner	Murtha	Waters
Frank (MA)	Nadler	Watson
Gonzalez	Napolitano	Watt
Green, Al	Neal (MA)	Waxman
Grijalva	Oberstar	Weiner
Gutierrez	Obey	Wexler
Harman	Olver	Wilson (NM)
Hastings (FL)	Ortiz	Woolsey
Higgins	Owens	Wu
Holt	Pallone	Wynn
Hoyer	Pascrell	Young (AK)

## NOT VOTING—11

Bartlett (MD)	Ferguson	Honda
Carter	Green, Gene	Sanchez, Loretta
Eshoo	Hinchey	Stupak
Feeney	Hinojosa	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

## □ 1441

Mrs. DAVIS of California changed her vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FERGUSON. Mr. Speaker, I missed the vote on final passage of H.R. 418. Had I been able, I would have cast a vote in the affirmative as I am a strong proponent of the legislation and the goals it sets to achieve in reforming immigration policy in our country.

## PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district last evening and today. Had I been present, I would have voted “no” on rollcall 27 and 31. I would have voted “yes” on rollcall 24, 25, 26, 28, 29, and 30.

Mr. CARTER. Mr. Speaker, on February 10, 2005, during rollcall votes 28, 29, 30 and 31, I had to return to my Congressional district on an urgent matter and was unavoidably detained. If I had been present, I would have voted “no” on rollcall votes 28, 29, 30 and “yea” on rollcall vote 31, final passage.

Mr. HONDA. Mr. Speaker, on rollcall votes Nos. 28, 29, 30 and 31, I was unavoidably detained. Had I been present, I would have voted: “yea” on rollcall vote No. 28, the Nadler/Meek Amendment, which would strike section 101 of the bill which imposes new burdens on persons seeking asylum: “yea” on rollcall No. 29, the Farr Amendment, which would strike section 102 of the bill regarding waivers to expedite construction of physical barriers and roads along the border; “yea” on rollcall No. 30, the motion to recommit; and “no” on rollcall No. 31, final passage of H.R. 418—REAL ID Act of 2005.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices at the end of the week and any votes called for on these will be rolled to 6:30 p.m.

On Wednesday and Thursday the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as H.R. 310, the Broadcast Decency Enforcement Act. In addition, we are working on the continuity of government legislation. It is anticipated to be similar to H.R. 2844, the Continuity in Representation Act passed by the House last year. We hope to move quickly and bring that legislation to the floor next week.

Finally, assuming the other body passes S. 5, the Class Action Fairness Act of 2005, in a form identical to what the Senate Committee on the Judiciary passed last week, we expect to consider that legislation next week as well.

Mr. HOYER. I thank the gentleman for that information. With respect to the class action, the gentleman indicated, as I understand it, that that bill has passed the Committee on the Judiciary?

Mr. DELAY. What I was talking about is, as the gentleman knows, the Senate is debating that bill as we speak. If indeed that bill comes out as it passed by the Senate Committee on the Judiciary with no amendments, then we could very well pick up that bill and just consider it here without going through committee.

Mr. HOYER. Mr. Leader, I know in the past the gentleman has been very reluctant to simply take the Senate's work product, and I am somewhat shocked that the gentleman apparently suggests that process now. I do not know whether that is going to be a precedent for the future. But may I ask the gentleman, is it his contemplation that it would come directly to the floor and not go to committee for consideration?

Mr. DELAY. It is a new Congress and a new Senate, and the work that they are doing over there, at least the beginning of the work that they are doing over there, is pretty impressive, particularly the work they have done on this very important bill.

We have gone through regular order on this side of the House in many different steps on this class action issue; and if the Senate does what I think it is going to do, yes, we would bring it straight to the floor and consider it without committee action.

Mr. HOYER. As the leader knows, we have been for that process from time to time when there seemed to be agreement between the two Houses. Obviously, however, Mr. Leader, as the gentleman knows, what that does is it precludes Democrats from participating in committee consideration, offering amendments in committee to the subject legislation.

My question to the gentleman is, in the event that that is done, would the gentleman bring that to the floor with an open rule that would allow amendments to be offered as Members see fit so that we could have some full consideration of that piece of legislation on the floor of the House of Representatives?

Mr. DELAY. I thank the gentleman for yielding. As the gentleman knows, the Committee on Rules will take that up under consideration and perhaps the gentleman should contact the gentleman from California (Mr. DREIER) on that question as it relates to this bill. I am not advised as to what the Committee on Rules will do.

Mr. HOYER. Reclaiming my time, the reason, Mr. Leader, I asked that question because of the very high re-

spect I have for the gentleman's influence with that committee; and I thought, therefore, the gentleman might have some inkling as to what might be done. I say that somewhat jokingly, but I really do believe that if we are going to take the bill that the Senate sends over, bring it directly to the floor without committee consideration, that not only in a sense of fairness but in a sense of getting the input of the 125 to 130 million people that this side of the aisle represents, that we give us the opportunity to offer such amendments as we think to be appropriate with respect to that legislation.

Mr. Leader, with respect to the continuity of Congress, this has been an issue we tried to deal with in the past. It is a very important issue with which we should deal. I know at times I have talked to the gentleman and the Speaker and particularly to my friend, the majority whip, with reference to having a bipartisan proposal so that both parties, on an issue of great magnitude to this institution in terms of continuity and how do we form a majority to take action, has this been to the gentleman's knowledge, and I do not have that knowledge. I have not talked to anybody on the Committee on Rules or any other committee out of which this might have come. Does the gentleman know whether or not we have bipartisan agreement with respect to the legislation the gentleman intends to put on the floor next week?

Mr. DELAY. I thank the gentleman for yielding. There are ongoing discussions about this bill with the minority and particularly with the minority leader's office. We are continuing those discussions.

I remind the gentleman that this bill got 306 votes last year. I think that is pretty bipartisan.

□ 1445

So as we work through this, we will continue to discuss and work with the minority to make it even more bipartisan than it is.

Mr. HOYER. I appreciate that.

And reclaiming my time, Mr. Leader, I understand what you are saying in terms of the number of folks who voted for it. There were a very substantial number who voted for it.

This is not a partisan issue. It should not be a partisan issue. This is a practical judgment as to how constitutionally and appropriately within the framework of our democracy and representation that we frame or have legislation framed so that does reflect the interests of our democracy as well as the interest of ensuring continuity.

From that perspective of not just having a number of votes for it, but having the leadership on both sides, I do not mean necessarily the gentleman from California (Ms. PELOSI) and myself, but the committee leadership on both sides, whether it is the Committee on Rules, Committee on the Judiciary or any other committee that

might consider it somewhat in agreement.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. DELAY. I hope the gentleman is not raising a standard that is even higher than given to the Constitution, in that when two-thirds of this House has voted for a measure, in order for it to be bipartisan, we have to go even higher than two-thirds of the House.

We are continuing to work with the minority leader. We understand her concerns and your concerns. But when you have well over two-thirds of the House voting for a bill, it gets more and more difficult to write a bill that requires unanimity.

Mr. HOYER. Reclaiming my time, no one is suggesting unanimity. I understand that. We are suggesting, though, that we work together on this issue. And the mere fact that we have the ability to get a large number of votes for a bill is critically important. Your observation is correct in terms of numbers necessary to pass the constitutional amendment or to pass other legislation by two-thirds. It is obviously important.

But it is equally important, it seems to me, and might facilitate passage of this through the entire Congress, not just through the House of Representatives, to have input from the leadership of both parties to try to come to grips with what I perceive not to be a partisan issue, but a difficult issue on which constitutional scholars have differed as to how we can do this, on which Members of this House on both sides of the aisle have differed.

But we do not need to pursue it. I understand the gentleman's point. But I would hope that we could have significant discussions about this and hopefully come to agreement of the minds.

Mr. Leader, we are not going to have a scheduling colloquy next week because it will be the Presidents' Day recess. But can you indicate what we may have on the floor the week that we return from the Presidents' Day recess?

Mr. DELAY. Frankly, I do not know. We will just have to get back to you on that.

Mr. HOYER. Mr. Leader, thank you for that.

I understand we may receive the President's tsunami supplemental appropriations next week. Do you anticipate we may also receive the Iraq-Afghanistan supplemental request as well?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding. The White House has indicated to us that they will submit, as the gentleman said, the supplemental request on the tsunami next week. But we also expect the supplemental requests on the war on terror, and I would expect the House to consider some supplemental sometime in the month of March.

Mr. HOYER. Thank you for that. And you answered my second question. The energy bill you had brought up in our previous colloquy, can you tell us where that might stand at this point this time?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. The energy bill, we are continuing to work on that bill, just working on putting it together in order to introduce it. It is not ready, and I do not know, frankly, when it will be ready to even introduce, much less think about committee action and when the House might consider it.

Mr. HOYER. It would be fair to assume, then, that certainly it is not going to be in the next 2 or 3 weeks?

Yield to my friend.

Mr. DELAY. If the gentleman would yield, I think that is fair to assume.

Mr. HOYER. I thank the gentleman.

#### ADJOURNMENT TO MONDAY, FEBRUARY 14, 2005 AND HOUR OF MEETING ON TUESDAY, FEBRUARY 15, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next; and further, when the House adjourns on that day it adjourn to meet at 12:30 p.m. on Tuesday, February 15, 2005 for morning hour debate.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 310, BROADCAST DECENCY ENFORCEMENT ACT 2005

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I take this time for the purpose of making an announcement.

The Committee on Rules may meet the week of February 14 to grant a rule which could limit the amendment process for floor consideration of H.R. 310, the Broadcast Decency Enforcement Act of 2005. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amend-

ment to the Committee on Rules in room H-312 of the Capitol by 12 noon on Tuesday, February 15, 2005.

Members should draft their amendments to the bill as reported by the Committee on Energy and Commerce on February 9, 2005, which is expected to be filed on Monday, February 14. Members are also advised that the text should be available for their review on the Web site of the Committee on Energy and Commerce and the Committee on Rules by Friday, February 11, 2005. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate form and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

#### SOCIAL SECURITY SYSTEM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have heard the President over the last 3 or 4 days present to the American people the idea of the crisis nature of revising, reforming, or altering completely the Social Security system. I go home and look forward to holding one of the first town hall meetings with my constituents to really lay out how we can work in a bipartisan manner and save Social Security.

It is important for the American people to realize that \$1.5 trillion will be needed to take away from Social Security to establish what one would call "private accounts," private accounts that could be separate and apart from Social Security. Many Americans do not realize it is not just a retirement benefit, it is a survivor benefit. It helps children of those who are deceased.

More importantly, we forged a bipartisan response to Social Security in 1983 with Tip O'Neill and Ronald Reagan that caused this to be solvent for at least 60 years.

This proposal will not only undermine, but it will destroy Social Security as we know it. Does it need reforming and fixing? Absolutely, and we can do that with a number of suggestions, but the plan that has now been proposed by the administration is one that will undermine and eliminate Social Security.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### WHY WE NEED THE OMNIBUS NON-PROLIFERATION AND ANTI-NUCLEAR TERRORISM ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this morning the North Korean Government acknowledged publicly for the first time that it has nuclear weapons. In a statement issued by the North Korean Foreign Ministry, Pyongyang also said that it will boycott the six-party talks designed to end its nuclear program.

North Korea's surprising declaration has again reminded us of the most pressing national security challenge that we face: the proliferation of nuclear weapons and the possibility that a terrorist group will acquire a nuclear bomb and use it against the United States.

Earlier this week, my colleague, the gentleman from Connecticut (Mr. SHAYS) and I introduced the Omnibus Nuclear Nonproliferation and Anti-Nuclear Terrorism Act of 2005 to better enable the United States to prevent what Graham Allison of Harvard University has termed "the ultimate preventable catastrophe." I am pleased that we were joined as original cosponsors by 11 of our colleagues.

Over the past several months, the gentleman from Connecticut (Mr. SHAYS) and I have consulted with a range of experts to produce a set of policies that we believe will be effective and which can be implemented quickly. Our bill will do the following:

It creates an Office of Nonproliferation Programs in the White House to centralize budgetary and policy authority. Since nonproliferation programs are spread across the U.S. Government, it makes sense to have one office overseeing all of it, signing off on budgets and developing a coordinated strategy.

The bill enhances the Cooperative Threat Reduction, CTR, program by streamlining and accelerating Nunn-Lugar implementation and granting more flexibility to the President and the Secretary of Defense to undertake nonproliferation projects outside the former Soviet Union. Our bill does this by removing conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive efforts.

In 2002, President Bush was unable for the first time to certify that Russia had met all of its program-wide conditions, resulting in a halt to all CTR funding until he was able to obtain and use authority to waive the certification requirement in early 2003.

The conditions have also provided CTR opponents within Russia with an excuse to blame the United States for delays caused by a lack of access and transparency on the part of Moscow.

We also ask for the President, in our bill, to catalog impediments to renegotiation of the CTR umbrella agreement and other bilateral programs with Russia. The hope is that by identifying them all, the Congress and the administration can better solve them quickly.